

REMARKS

I. Claims Status

Upon entry of the foregoing amendment, claims 60, 62-66, 71, and 74-84 are pending. Claims 61, 67-70 and 72-73 are sought to be cancelled without prejudice thereto or disclaimer thereof any subject matter contained therein. Support for the amendments to claims 60, 71 and 77 and support for new claims 82-84 can be found throughout the specification and in the original claims. The amendments do not present any new matter, and their entry is respectfully requested.

II. Enablement Rejection Under 35 U.S.C. § 112, 1st Paragraph

Claims 67-70 have been rejected for allegedly failing to comply with the enablement requirement of 35 U.S.C. §112, first paragraph. Office Action, pages 2-5. Solely to expedite prosecution and not in acquiescence to the rejection, Applicants have cancelled claims 67-70. Accordingly, it is believed that this rejection is now moot.

III. Written Description Rejection Under 35 U.S.C. § 112, 1st Paragraph

Claims 60-81 are rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. Office Action, pages 5-7. In particular, the Examiner states that "[t]he claimed nucleic acids and polypeptides that comprise sequences other than those set forth in Figure 1a, SEQ ID NO 1, 2 or 3, and do not have evidence at least 95% identity to SEQ ID NO 1, 2 or 3 and also have enzymatic activity to catalyze the hydrolysis of urea have not been described." Office Action, page 6, lines 22-25. The Examiner also states that "[t]his rejection could be partially obviated by amending the claims to recite-----95% identical----- and ----having catalyzing the hydrolysis of urea-----; or an equivalent phrase." Office Action, page 7, lines 17-19.

Applicants thank the Examiner for identifying amendments that would overcome the rejection. Solely to expedite prosecution and not in acquiescence to the rejection, Applicants have adopted the Examiner's suggestions by recitation in the claims of "94% identical," which finds support in the exemplified sequences (*e.g.*, figure 1) and in the originally filed claims.

Accordingly, Applicants believe that the rejection has been overcome and request that the Examiner withdraw the rejection.

IV. Rejections Under 35 U.S.C. §102(b)

Claims 60-62, 67, 71, and 75-81 are rejected under 35 U.S.C. §102(b) for allegedly being anticipated by Gootz *et al.* Office Action, pages 7-9. The Examiner has indicated that "[t]his prior art rejection could be obviated by amending the claims to recite closed language ----- **consisting of**----- and No longer recite the term ~~comprising or having~~." *Id.* at page 9, lines 1-2 (bold and strikeouts in original). Solely to expedite prosecution and not in acquiescence to the rejection, Applicants have amended all independent claims to recite this closed transitional term. Accordingly, Applicants request that the Examiner withdraw the rejection, which is believed to now be moot.

V. New Written Description Rejection Under 35 U.S.C. § 112, 1st Paragraph

The new rejection of claims 67-70 under 35 U.S.C. §112, first paragraph (Office Action, page 9) is believed to be moot in light of Applicants' cancellation of these claims. Accordingly, Applicants request that the Examiner withdraw the rejection.

VI. Rejections Under 35 U.S.C. §112, 2nd Paragraph

Claims 60-66¹ are rejected under 35 U.S.C. §112, 2nd paragraph, for allegedly being indefinite. Office Action, page 10. With respect to claims 60-66, the Examiner asks "[h]ow can one of skill in the art determine the meets and bounds of the claim, if the variants do not have any biological activity and the sequences are variants of the reference sequence?" *Id.* Applicants have amended the claims to clearly indicate that the variants have the recited biological activity. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

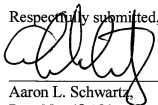
¹ Applicants note that the rejection as applied to claim 69 is rendered moot by Applicants' cancellation of this claim.

CONCLUSION

Applicants do not believe that any other fee is due in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. 02-2334. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **02-2334**.

Applicants submit that this application is in condition for allowance, and request that it be allowed. The Examiner is requested to call the Undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,



Aaron L. Schwartz,
Reg. No. 48,181
Patent Counsel

Patent Department
Intervet Inc.
P.O. Box 318
29160 Intervet Lane
Millsboro, DE 19966
(302) 933-4034 (tel)
(302) 934-4305 (fax)